PROCEILE SANDER

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Pa	atent Application of	
Franco	is SCHUTZE et al.	Group Art Unit:
Applic	ation No.: 10/532,041	Examiner:
Interna	tional Filing Date: April 21, 2005	Confirmation No.:
For:	Pharmaceutical Composition Combining) Tenatroprazole for and an Anti- Inflammatory Agent)	

RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. § 371 DATED 23 NOVEMBER 2005

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

Please note that inventor Alain Taccoen is deceased. Accordingly, pursuant to 37 C.F.R. §1.42l and MPEP § 409.01(a), his heir, Nathalie Taccoen, has signed on his behalf as heir and legal representative to Alain Taccoen.

Accordingly, Applicants submit herewith the attached executed declaration indicating the relationship between the heir and the deceased inventor and the heir's citizenship, residence, and mailing address as required under 37 C.F.R. § 1.497(b)(2).

The heir is as follows:

Nathalie Taccoen
wife of and heir and legal representative to Alain Taccoen
9, avenue de Villiers
F-78150 Le Chesnay
France

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As the heir to Alain Taccoen's estate, Nathalie Taccoen has executed the attached oath/declaration in place of Alain Taccoen.

If there are any questions regarding this submission, please contact the undersigned.

Respectfully submitted,
BUCHANAN INGERSOLL PC

 $\mathbf{R}_{\mathbf{V}}$

Melissa M. Hayworth Registration No. 45,774

P.O. Box 1404 Alexandria, Virginia 22313-1404 (703) 836-6620

Date: March 22, 2006

~ ~		32 A 2006					
TRANSMITTAL LETTE DESIGNATED/ELECTE	COMMERCE PATENT AND TRADEMARK OFFICE R TO THE UNITED STATES ED OFFICE (DO/EO/US) IG UNDER 35 U.S.C. 371	ATTORNEY'S DOCKET NUMBER 1032013-000121 U.S. APPLICATION NO. (If known, see 37 CFR 1.5) 10/532,041					
INTERNATIONAL APPLICATION NO.	INTERNATIONAL FILING DATE	PRIORITY DATE CLAIMED					
PCT/FR2003/003120	21 October 2003	21 October 2002					
TITLE OF INVENTION PHARMACEUTICAL COMPOSITION COMBINING TENATOPRAZOLE AND AN ANTI-INFLAMMATORY AGENT							
APPLICANT(S) FOR DO/EO/US							
		lichel; TACCOEN, Alain; INABA, Yoshio					
	States Designated/Elected Office (DO/EO/US) to	he following items and other information:					
_	ems concerning a filing under 35 U.S.C. 371.						
	UENT submission of items concerning a filing un						
3. This is an express request to be (6), (9) and (22) indicated below		371(f)). The submission must include items (5),					
4. The US has been elected by the	e expiration of 19 months from the priority date (A	Article 31).					
5. A copy of the International Appli	cation as filed (35 U.S.C. 371(c)(2))						
a. is attached hereto (requ	ired only if not communicated by the Internation	al Bureau).					
b. has been communicate	d by the International Bureau.						
c. is not required, as the a	pplication was filed in the United States Receiving	ng Office (RO/US).					
6. 🔲 An English language translation	of the International Application as filed (35 U.S.	C. 371(c)(2))					
a. 🔲 is attached hereto.							
b. 🔲 has been previously su	bmitted under 35 U.S.C. 154(d)(4).						
7. Amendments to the claims of th	e International Application under PCT Article 19	(35 U.S.C. 371(c)(3))					
a. are attached hereto (re-	quired only if not communicated by the Internation	onal Bureau).					
b. 🔲 have been communicat	ted by the International Bureau.						
c. 🔲 have not been made; h	owever, the time limit for making such amendme	ents has NOT expired.					
d. 🔲 have not been made ar	nd will not be made.						
8. An English language translation	of the amendments to the claims under PCT Ar	ticle 19 (35 U.S.C. 371(c)(3)).					
9. 🕱 An oath or declaration of the inv	ventor(s) (35 U.S.C. 371(c)(4)).						
10. An English language translation PCT Article 36 (35 U.S.C. 371(of the annexes of the International Preliminary (c)(5)).	Examination Report under					
Items 11 to 21 below concern doc	ument(s) or information included:						
11. An Information Disclosure State	ement under 37 CFR 1.97 and 1.98.						
12. An assignment document for re	cording. A separate cover sheet in compliance	with 37 CFR 3.28 and 3.31 is included.					
13. A FIRST preliminary amendment	nt.						
14. 🔲 A SECOND or SUBSEQUENT	A SECOND or SUBSEQUENT preliminary amendment.						
15. 🔲 A substitute specification.							
16. A change of power of attorney a	and/or address letter.						
17. A computer-readable form of th	e sequence listing in accordance with PCT Rule	13ter.2 and 37 C.F.R. 1.821 - 1.825.					
	I international application under 35 U.S.C. 154(d						
	anguage translation of the international application						

20. Other items or information: A Request for a Four-Month Extension of Time; A copy of Notification of Missing Requirements dated 23 September 2005; and Response to Notification of Missing Requirements under 35 U.S.C. 371 dated 23 September 2005

J.J. A. 1	10/532,041		TIONAL APPLICATION N PCT/FR2003/00312		ПО	r'S DOCKET NUM 1032013-000	
	10/002,041		O 1/1 1\2000/003 12	<u> </u>		CALCULATIONS	
		at the published applicat	tion include the following	assignment		CALCULATIONS	PTO USE ONLY
				V-1-V-1-V-1-V-1-V-1-V-1-V-1-V-1-V-1-V-1			
22. 🕱 T	he following fees are su	ubmitted:					
Basic	Filing Fee (1631)			-			
	ns from the earliest clair	ned priority date (37 CF		20 5	30	\$ 130.00	
	CLAIMS	NUMBER FILED	NUMBER EXTRA 0	RATE	145)	*	
	Claims	-20 = - 3 =	-	× \$50.00 (16 × \$200.00 (1		\$ 0.00 \$ 0.00	
<u> </u>	endent Claims TIPLE DEPENDENT CL	<u> </u>	1 0	+ \$360.00 (\$ 0.00	
	ination Fee	Alivi(S) (ii applicable)		+ \$200.00 (*			
	th Fee			+ \$500.00 (-
		for each add'l 50 sheets	exceeding 100 sheets)	1			
			TOTAL OF ABOV	E CALCULATI	ONS	\$ 130.00	
	Applicant claims small e are reduced by 1/2.	ntity status. See 37 CF	R 1.27. The fees indicate	ed above	+	\$ 0.00	
				SUBTO	TAL =	\$ 130.00	
Proce	essing fee of \$130.00 (hs from the earliest clair	1618) for furnishing the med priority date (37 CF	English translation later t R 1.492(f)).	han 20	30	\$ 0.00	
	TOTAL NATIONAL FEE =				FEE =	\$ 130.00	
	Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 (8021) per property + TOTAL FEES ENCLOSED:						
						\$ 130.00	
						Amount to be refunded :	
а. [A check in the amou	nt of	to cover the above fee	s is enclosed.	ľ	charged :	
b. [b. Please charge my Deposit Account No. <u>02-4800</u> in the amount of duplicate copy of this sheet is enclosed.					to cover the above fees. A	
с. [3	 c. The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 02-4800 . A duplicate copy of this sheet is enclosed. d. X Charge \$130.00 to credit card. Form PTO-2038 is attached. 						
d. [
			CFR 1.494 or 1.495 has oplication to pending st		t, a pet	ition to revive (37	CFR 1.137(a)
2008 LLR	IDGRA 00000051 105320)41					
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Incl	hanan Ingersoll PC uding attorneys froi . Box 1404	; m Burns, Doane, Sv	wecker & Mathis	SIGNATU	RE	7	
Alex	candria, Virginia 22 3) 836-6620	313-1404		NAME	M	elissa M. Haywo	orth
(,,,,	,, 000-0020				5,774	mil	22, 2006
				REGISTR		NO.	DATE



United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Vinginia 22313-1450 www.cspto.gov

ATTY. DOCKET NO. U.S. APPLICATION NUMBER NO. FIRST NAMED APPLICANT

François Schutze 10/532,041

032013-121

INTERNATIONAL APPLICATION NO.

PCT/FR03/03120

I.A. FILING DATE

PRIORITY DATE

10/21/2003

10/21/2002

21839 **BUCHANAN INGERSOLL PC** (INCLUDING BURNS, DOANE, SWECKER & MATHIS) **POST OFFICE BOX 1404 ALEXANDRIA, VA 22313-1404**

CONFIRMATION NO. 5818 371 FORMALITIES LETTER *OC00000017090612*

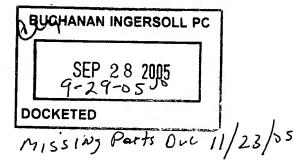
Date Mailed: 09/23/2005

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 04/21/2005
- English Translation of the IA filed on 04/21/2005
- Copy of the International Search Report filed on 04/21/2005
- Copy of IPE Report filed on 04/21/2005
- Preliminary Amendments filed on 04/21/2005
- Information Disclosure Statements filed on 04/21/2005
- Oath or Declaration filed on 04/21/2005
- Reguest for Immediate Examination filed on 04/21/2005
- Copy of references cited in ISR filed on 04/21/2005
- U.S. Basic National Fees filed on 04/21/2005
- Priority Documents filed on 04/21/2005
- Power of Attorney filed on 04/21/2005
- Specification filed on 04/21/2005
- Claims filed on 04/21/2005
- Abstracts filed on 04/21/2005

032013-121 EJE/MMH



The applicant needs to satisfy supplemental fees problems indicated below.

The following items MUST be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
 - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.

• To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$130 for a Large Entity:

• \$130 Surcharge.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

A copy of this notice MUST be returned with the response.

BARBARA A CAMPBELL

Telephone: (703) 308-9140 EXT 217

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY, DOCKET NO.
10/532,041	PCT/FR03/03120	032013-121

FORM PCT/DO/EO/905 (371 Formalities Notice)